

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ALEXIS ROSITANO,

Plaintiff,

v.

FREIGHTWISE, LLC and RICHARD  
HOEHN, individually,


Defendants.

No. 3:20-cv-00420

**ORDER**

For the reasons set forth in the accompanying Memorandum Opinion, the Partial Motion to Dismiss Second Amended Complaint by Defendant FreightWise, LLC (Doc. No. 34) is **GRANTED** as to Count VII; **GRANTED IN PART** as to Count X; and **DENIED** as to Counts IV, VIII, XII, XIII, and XIV. Plaintiff's claims for constructive discharge (Count VII) and *statutory* wage violations (Count X) are **DISMISSED**, while her potential claim for "failure to pay agreed upon compensation at common law" (Count X) may proceed. Last, Plaintiff's claim for "removal of punitive damage caps" (Count XIII) is **DISMISSED sua sponte AS MOOT**.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE